

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

RONALD W. GROVOGEL,

Plaintiff,

v.

Case No. 16-cv-1274-pp

KAREN BUTLER, JANE DOE, LPN,
and RACINE COUNTY SHERIFF,

Defendants.

**ORDER DIRECTING UNITED STATES MARSHAL TO SERVE DEFENDANT
KAREN BUTLER AND DISMISSING DEFENDANT JANE DOE LPN AND
NOMINAL DEFENDANT RACINE COUNTY SHERIFF**

Plaintiff Ronald W. Grovogel is representing himself, and was a prisoner when he filed his complaint under 42 U.S.C. §1983, challenging various aspects of his confinement at the Racine County Jail. Dkt. No. 1. On May 9, 2018, the court screened the second amended complaint, dkt. no. 19, and allowed the plaintiff to proceed on claims that the Jane Doe defendants acted with deliberate indifference to his serious medical needs when they allegedly failed to treat his shoulder injury, dkt. no. 20 at 6. The court told the plaintiff that he would need to use discovery to identify the names of the Jane Doe nurses. Id.

To allow the plaintiff to learn the identities of the Jane Doe defendants, the court directed service of the second amended complaint on the Racine County Sheriff. Id. The court ordered that “once the Racine County Sheriff has received the second amended complaint, the plaintiff may submit questions to

the Sheriff, or ask the Sheriff for documents, *relating only to identifying the Jane Doe defendants.*" Id. at 7. The court also ordered, "Once the plaintiff has learned the names of the nurses, the plaintiff shall send the court a letter, asking the court to substitute the actual names for the 'Jane Doe' place holders." Id.

On November 7, 2018, the plaintiff filed a letter stating that he had identified defendant Jane Doe RN as "Registered Nurse Dr. Karen Butler." Dkt. No. 24. The clerk's office has updated the docket and the court will order the United States Marshal to serve the second amended complaint on defendant Butler.

The plaintiff's letter does not mention the other Jane Doe defendant, Jane Doe LPN, and he has not identified her. The court will dismiss this Doe defendant. The court also will dismiss the Racine County Sheriff, who is a defendant solely for the purpose identifying the Doe defendants.

The court **ORDERS** the United States Marshal to serve a copy of the second amended complaint (Dkt. No. 19) and this order on defendant Karen Butler under Federal Rule of Civil Procedure 4. Congress requires the U.S. Marshals Service to charge for making or attempting such service. 28 U.S.C. §1921(a). Although Congress requires the court to order service by the U.S. Marshals Service, it has not made any provision for either the court or the U.S. Marshals Service to waive these fees. The current fee for waiver-of-service packages is \$8.00 per item mailed. The full fee schedule is provided at 28

C.F.R. §§0.114(a)(2), (a)(3). The U.S. Marshals will give the plaintiff information on how to remit payment. The court is not involved in collection of the fee.

The court **ORDERS** defendant Karen Butler to file a responsive pleading to the second amended complaint.

The court **DISMISSES** defendant Jane Doe LPN and nominal defendant Racine County Sheriff.

Dated at Milwaukee, Wisconsin this 27th day of November 2018.

BY THE COURT:



HON. PAMELA PEPPER
United States District Judge